

10/022108

P01012US1A(P289)

## REMARKS

### OBJECTIONS UNDER 37 C.F.R. § 1.75

The Examiner has advised Applicants that in the event claim 1 is found allowable, claim 20 would be objected to under 37 C.F.R. 1.75 as being a substantial duplicate thereof. The cancellation of claim 20 has rendered this objection moot.

### REJECTIONS UNDER 35 U.S.C. § 112

The Examiner has rejected claim 20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The cancellation of claim 20 has likewise rendered this rejection moot.

### REJECTIONS UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1, 7, and 20 under 35 U.S.C. § 102(b) as being anticipated by Japanese 52-145486. The Examiner concludes that Japan '486 teaches a first "liquid state" mixing step in which rubber latex is mixed with oil to form a mixture from which crumb is obtained and a second "liquid state" mixing state in which the crumb is mixed with rubber latex and aqueous carbon black slurry. According to the Examiner, the claim step of "mixing the premix with carbon black" reads on and does not exclude "liquid state" mixing.

Reconsideration is respectfully requested in view of the amendments that have been made. As accurately summarized by the Examiner, during the Interview Summary dated May 24, 2005, the Examiner and the undersigned attorney conducted a telephone interview on May 19, 2005, wherein the amendment to add the recitation "solid-state mixing" was discussed. In particular, the Examiner agreed that in view of pages 11 and 13 of the specification, this particular amendment is supported by the written description. Moreover, the Examiner agreed to consider this recitation in view of Japan '486. Applicants contend that Japan '486 does not teach solid-state mixing as recited in the claims, and therefore Japan '486 neither anticipates nor renders obvious the claimed invention.

Interview Record OK  
Jm 10-16-05